



UNITED STATES DEPARTMENT OF COMMERCE

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WV

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/350,713 07/09/99 KEJHA

J JBK-7

PM82/0719

JOSEPH B KEJHA  
1022 FREDERICK ROAD  
MEADOWBROOK PA 19046

EXAMINER

VANAMAN, F

ART UNIT	PAPER NUMBER
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3611

9

DATE MAILED:

07/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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**Notice of Abandonment**

Application No. <b>09/350,713</b>	Applicant(s) <b>Kejha</b>
Examiner <b>Frank Vanaman</b>	Art Unit <b>3611</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

This application is abandoned in view of:

1.  Applicant's failure to timely file a proper reply to the Office letter mailed on 11/30/00.
  - (a)  A reply was received on 5/30/00 (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of 2 month(s)) which expired on 4/30/01.
  - (b)  A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c)  No response has been received.
2.  Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a)  The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
  - (b)  The submitted issue fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
  - (c)  The issue fee and publication fee, if applicable, has not been received.
3.  Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a)  Proposed new formal drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b)  The proposed new formal drawings filed on \_\_\_\_\_ are not acceptable and the period for reply has expired.
  - (c)  No proposed new formal drawings have been received.
4.  The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5.  The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6.  The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7.  The reason(s) below:  
*Applicant's submitted extension fee of \$435.00 is insufficient to cover a three month extension of time. Note that 37 CFR 1.135(c) allows a new time period to be set, within the requirements of 37 CFR 1.134, however the requirements of 37 CFR 1.134 (which sets a maximum time for response) are exceeded. See attachment for further discussion.*

**FRANK VANAMAN**  
**PRIMARY EXAMINER**



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Art Unit: 3611

**Attachment to Notice of Abandonment**

1. Applicant's submitted extension fee of \$435.00 is insufficient to cover the cost of an extension of time of three months, which fee is \$445.00.
2. Current PTO fees are well publicized including availability on the World Wide Web:  
<http://www.uspto.gov/web/offices/ac/qs/ope/1999/fee20001001.htm#patext>
3. Note 37 CFR 1.135(c), which allows a further time period to be set:

**1.135 Abandonment for failure to reply within time period.**

(a) If an applicant of a patent application fails to reply within the time period provided under Section 1.134 and Section 1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

(c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under Section 1.134 to supply the omission.

However, the maximum time available under 37 CFR 1.134 has been exceeded:

**1.134 Time period for reply to an Office action.**

An Office action will notify the applicant of any non-statutory or shortened statutory time period set for reply to an Office action. Unless the applicant is notified in writing that a reply is required in less than six months, a maximum period of six months is allowed.

No further time is available under the provisions of 37 CFR 1.135, 37 CFR 1.134.

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